## REMARKS

In an Office Action dated April 2, 2004, (paper no. 15) the Examiner rejected claims 1-3, 5-9, 11, 13-16, 18, and 20 under 35 U.S.C. §102(e) as being anticipated by Harris (U.S. patent no. 5,946,373). The Examiner rejected claims 4, 12, and 19 under 35 U.S.C. §103(a) as being unpatentable over Harris in view of Dowden et al. (U.S. patent no. 5,923,247) and rejected claims 10 and 17 under 35 U.S.C. §103(a) as being unpatentable over Harris. The rejections and objections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claim 1-3, 5-9, 11, 13-16, 18, and 20 under 35 U.S.C. §102(e) as being anticipated by Harris. Specifically, with respect to claim 1, the Examiner stated that Harris discloses a system for reducing congestion in an Operations and Maintenance Center (OMC), the system comprising a network element that comprises a filter receiving event notifications from processes within the network (col. 3, line 51-53) and providing multiple filtered event notifications, wherein each event notification of the multiple event notifications notifies of a different event (col. 4, lines 9-14; col. 6, lines 5-40, wherein fault alarms for different circuits or trunks are equivalent to "different events"). The Examiner contended that Harris further discloses an event counter module coupled to the filter for receiving the multiple event notifications from the filter and counting a quantity of filtered event notifications to produce event count information (col. 7, lines 60-64; step 244 in FIG. 2D), and a performance measurement module coupled to the event counter module for receiving the event counter information from the event counter module and sending alarms to the OMC (col. 8, line 35 to col. 9, line 5; step 246 in FIG. 2D). The Examiner further contended that notwithstanding the applicants' contention that Harris merely teaches processing by an OMC, the applicants' claims do not recite that the features of the claims are in a network element separate from the OMC.

Accordingly, the applicants' have amended each of claims 1, 7, and 14 to clarify that the features of each claim reside in a network element separate from, and in communication with, an OMC. This is in contrast to Harris, wherein all functionality cited by the Examiner are functions performed by an FMS (see col. 4, lines 3-9, that is,

the process described in Harris "executes, continuously and automatically, on the central FMS"), which one of ordinary skill in the art would recognize to be an OMC.

That is, Harris teaches a central Fault Management System (FMS) (element 101 of FIG. 1) that receives raw data from multiple upstream network elements. The FMS then processes the raw data received from the upstream network elements and determines whether one or more upstream network elements are performing unacceptably. More particularly, Harris teaches an FMS that receives fault alarms from remote systems via each of different circuits or trunks. The FMS (FIGs. 2A-2F) parses the alarms received over each of the multiple trunks to identify a time associated with the alarm and the equipment sourcing the alarm, and thereby determines a circuit and trunk that are associated with the alarm and further determines a location and an extent of a system outage.

By contrast, claim 1 teaches processing by a network element separate from, and in communication with, an OMC in order to reduce the flow of alarms from the element to the OMC. That is, claim 1 teaches filtering in the network element to reduce the alarm flow to the OMC, whereas Harris teaches processing in an FMS of data received by the FMS from multiple remote systems. At the point of the teachings of Harris, it is too late to reduce congestion by reducing a flow of alarms to the FMS as all of the alarms already have been received by the FMS. By contrast, claim 1 teaches a network element that reduces congestion in an OMC by reducing the flow of alarms to the OMC.

In other words, Harris teaches a system having the very problems that are solved by the teachings of claim 1. In Harris, when the events generating the raw data are recurring or the determination of an event is recurring and frequent, the trunks between the FMS and the upstream network elements can become clogged or the FMS can itself become overwhelmed with raw data, thereby hindering the performance by the FMS of its system management functions. Harris teaches nothing about how to reduce such a congestion of the trunks and a flow of data to the FMC. By contrast, claim 1 directly addresses this problem by providing a network element that reduces the number of event notifications sent to an OMC (such as the FMS of Harris). Therefore, Harris does not

teach the network element of claim 1 and accordingly the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-6 depend upon allowable claim 1, the applicants respectfully request that claims 2-6 may now be passed to allowance.

Claims 7 and 14 provide a method and an apparatus for reducing the number of event notifications sent to an OMC by a network element separate from, and in communication with, the OMC, including filtering event notifications to provide multiple filtered event notifications, wherein each event notification of the plurality of event notifications notifies of a different event, counting the multiple filtered event notifications to generate event count information from the filtered event notifications, and conveying an alarm to the OMC if the event count information exceeds a threshold. As noted above, these limitations are not taught by Harris. Furthermore, Harris cannot teach conveying an alarm to the OMC when an event count information exceeds a threshold since the threshold comparison by Harris is performed in the FMS/OMC. That is, the alarm has already been conveyed to the FMS/OMC. Accordingly, the applicants respectfully request that claims 7 and 14 may now be passed to allowance.

Since claims 8-13 depend upon allowable claim 7 and claims 15-20 depend upon allowable claim 14, the applicants respectfully request that claims 8-13 and 15-20 may now be passed to allowance.

As the applicants have overcome all substantive objections and rejections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Furthermore, please charge any additional fees (including extension of time fees), if any are due, or credit overpayment to Deposit Account No. 50-2117.

Respectfully submitted,

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By: _____

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